IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 994 of 2007(R)

PETITIONER:

REV.FR.JOY KADUKUMMAKKIL,
SON OF LATE CHAKOCHAN, VICAR ST.JOHN'S ORTHODOX,
SYRIAN CHURCH, VADAKARA, KOTHATTUKULAM.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

REVENUE DIVISIONAL OFFICER,
OFFICE OF THE RDO, MUVATTUPUZHA.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 994 OF 2007-R

Dated this the 22nd day of January, 2007

JUDGMENT

The petitioner has come to this Court with a prayer that no action has been taken on Ext.P5 – complaint by the respondent – the Revenue Divisional Officer.

2. The respondent has now filed a statement, a copy of which is furnished to the petitioner. In the said statement, the Revenue Divisional Officer submits that considering the nature of prayer in Ext.P5 which is followed by Ext.P7 reminder, no further action under Chapter-X of the Cr.P.C. is warranted at all. It is further brought to the notice of the Court that considering the nature of the dispute, it is for the party to take recourse to civil law. I have gone through the prayer made in Ext.P5. The prayer is that misappropriation may be prevented. I am satisfied, in these circumstances, that the statement of respondent can be accepted and this writ petition can be dismissed.

3. This writ petitioner is accordingly dismissed.

Needless to say that the dismissal of this writ petition will not in any way fetter the rights of the petitioner to approach the competent civil courts for appropriate relief.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge